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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

E-FILED - 1/18/07

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DAVID L. GARCIA,

Defendant.

Case No.: CR 05-00342-RMW

STIPULATION AND ORDER
RESCHEDULING SENTENCING HEARING

IT IS HEREBY STIPULATED between the parties and based upon such stipulation it is hereby ordered, that the defendant's sentencing hearing, currently scheduled for Monday, January 8, 2007 at 9:00 a.m. be continued and a new sentencing hearing date of Monday, January 29, 2007 at 9:00 a.m. is hereby set. The reason for this stipulation is because defense counsel has finally received and reviewed the incident report that was requested for defendant. Defense counsel does not believe there will be enough time to prepare, file and have the United States Attorney respond prior to the current date. It is so stipulated.

Dated: 12-21-06

_____/s/John Glang_____
JOHN N. GLANG
Assistant United States Attorney

It is so stipulated.

Dated: 12-21-06.

_____/s/ Robert Lyons_____
ROBERT W. LYONS
Attorney for Defendant

1 It is so ORDERED:

2 Dated: 1/18/07.

Ronald M. Whyte

RONALD M. WHYTE
United States District Judge